

1 THE HONORABLE JOHN C. COUGHENOUR

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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 ECHO JENSEN, *et al.*,

CASE NO. C18-1195-JCC

10 Plaintiffs,

MINUTE ORDER

11 v.

12 NORTHWEST OCEANIC LLC, *et al.*,

13 Defendants.
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15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Plaintiffs' motion to amend complaint (Dkt. No.
18 14). Under Federal Rule of Civil Procedure 15(a), a district court should freely grant leave to
19 amend a pleading "when justice so requires." Fed. R. Civ. P. 15(a)(2). The Ninth Circuit has
20 made clear that Rule 15 favors pleading amendments and should be applied liberally. *See Ascon*
21 *Props., Inc. v. Mobil Oil Co.*, 866 F.2d 1149, 1160 (9th Cir. 1989). However, the Rule 15
22 standard does not apply when a party seeks to amend its pleading after the court-ordered
23 deadline for filing amendments has passed. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d
24 604, 607–08 (9th Cir. 1992).

25 Instead, untimely motions to amend are analyzed under the "good cause" standard
26 established by Rule 16. *See* Fed. R. Civ. P. 16(b)(4); *Mammoth Recreations*, 975 F.2d at 608.

1 The Rule 16(b) good cause standard “primarily considers the diligence of the party seeking the
2 amendment.” *Mammoth Recreations, Inc.*, 975 F.2d at 609. A district court may amend its
3 scheduling order “if it cannot reasonably be met despite the diligence of the party seeking the
4 extension.” *Id.*

5 Plaintiffs received discovery after the scheduling order’s amendment deadline that alerted
6 Plaintiffs that an additional cause of action may be necessary in this lawsuit. (*See generally* Dkt.
7 No. 14.) Defendant does not oppose Plaintiffs’ motion to amend their complaint. (Dkt. No. 15.)
8 Therefore, Plaintiffs’ motion to amend complaint (Dkt. No. 14) is GRANTED. Plaintiffs are
9 ORDERED to file their amended complaint, as shown at Docket Number 14-1, within 3 days of
10 the date this order is issued.

11 DATED this 2nd day of July 2019.

12 William M. McCool
13 Clerk of Court

14 s/Tomas Hernandez
15 Deputy Clerk
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